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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

W & F EVERGREEN,

Plaintiff,

v.

ANDRE DeSHAWN SULLIVAN, et
al.,

Defendants.

Case No. CV 12-6801 UA

~~(PROPOSED)~~

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On August 7, 2012, Defendant Andre DeShawn Sullivan, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not competently allege facts supplying either

diversity or federal-question jurisdiction, and therefore removal is improper.
28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546,
563, 125 S. Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of
citizenship exists, the amount in controversy alleged does not exceed the diversity-
jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b).

Nor does Plaintiff's unlawful detainer action raise any federal legal question
on its face. See 28 U.S.C. §§ 1331, 1441(b).

Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
Superior Court of California, Los Angeles County, East District, Pomona North,
350 W. Mission Blvd., Pomona, CA 91766-1681, for lack of subject matter
jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of
this Order to the state court; and (3) the Clerk serve copies of this Order on the
parties.

IT IS SO ORDERED.

DATED: 8/14/12


HONORABLE AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE

Presented by

/s/
Honorable Jacqueline Chooljian
UNITED STATE MAGISTRATE JUDGE